

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2018 / 2019 SESSION

UIL2712 – ISLAMIC LAW I

(All Sections / Groups)

17 OCTOBER 2018

Reading Time: 09:00 a.m. – 09:15 a.m.

(15 Minutes)

Answering Time: 09:15 a.m. – 12:15 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes only in their question paper. Students then have the remaining **three hours** in which to answer the questions.
2. This question paper consists of 4 pages with 5 questions only.
3. Attempt **ONE** question in **PART A** and **ALL** questions in **PART B** which are **COMPULSORY**. The distribution of the marks for each question is given.
4. Students are only allowed to bring in **CLEAN AND ORIGINAL COPY** of Al Qur'an Translation into the exam venue.
"Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Write all your answers in the Answer Booklet provided.

PART A - CHOOSE ONE (1) QUESTION ONLY**QUESTION 1**

- i. Some rationalists as well as traditionalists have recognized that some *hadiths* have questionable authenticity. In order to overcome this difficulty, describe the criteria that have been devised for the purpose of establishing the authenticity of *hadith* reports.

(13 marks)

- ii. "*Ijma'* or the consensus of scholars signifies the importance of delegated legislation to the Muslim community. The Muslim society requires such a rule making power to meet the practical problems for the implementation of *Shariah*. *Ijma'* has been technically defined as the consensus of the jurists of a certain period over a religious matter. *Ijma'* is considered a sufficient evidence for action because the Prophet (SAW) said, "Muslim will never agree on a wrong matter." As such the agreement of the scholars of Islam on any religious matter is a source of law in Islam.

(Ref: Principles of Islamic Jurisprudence by M. Hashim Kamali).

Based on the above statement, explain :

- (a) Proofs (*Hujjiyyah*) for the validity of *Ijma'* as a source of making Islamic law.

(4 marks)

- (b) The conditions for the Muslim jurists to practice *Ijma'*.

(8 marks)

[Total: 25 marks]

OR

Continued...

QUESTION 2

- i. “None of Our revelations do We abrogate or cause to be forgotten, but We substitute something better or similar...”

(Al Quran, Al Baqarah: 106)

“When We substitute one revelation for another and Allah knows best what He reveals (in stages) they say "Thou art but a forger": but most of them understand not.”

(Al Quran, Al Nahl: 101)

Discuss the above chapters of *Al Quran* based on the doctrine of Abrogation (*Naskh*). Support your answer with examples and reasons.

(10 marks)

- ii. “O you who have believed, indeed, **intoxicants**, gambling, (sacrificing on) stone alters (to other than Allah), and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful”.

(Al Quran, Al Maidah, 5:90)

Based on the highlighted case of the above verse, explain the conditions of Qiyas (Analogy) in reference to any recent case available.

(15 marks)

[Total: 25 marks]

Continued...

PART B – ANSWER ALL QUESTIONS**QUESTION 3**

This source of Islamic law is defined as consideration which secures a benefit or prevents harms but it is, in the meantime, harmonious with aims and objectives (*maqasid*) of Syariah. Thus, anything which contravenes them is considered as evil (*mafsadah*).

- (a) To which source of Islamic law the above statement refers? Discuss the types of that source.

(15 marks)

- (b) What are the proofs for its validity as one of the sources of Islamic law?

(10 marks)

[Total: 25 marks]

QUESTION 4

- i. *Urf* plays a very significant role in the formation of Islamic law. Some rulings can be changed according to changes of circumstances like place, time, custom and behaviour of the people. The origin of *urf* refers to the product of the nature of the people and their culture. Those customs were then transferred to the lives of people of the next generation. They were applicable until another customs came and overruled the earlier ones.

In the light of the above, elaborate the conditions that must be fulfilled by a customary practice to be considered as a valid *urf*.

(15 marks)

- ii. Discuss the authorities from the Holy *Quran*, *Hadith* of the Prophet PBUH and the practice of the companions of the Prophet as the basis of utilising *sadd al-dhara'i* as one of the sources of law in Islam.

(10 marks)

[Total: 25 marks]

Continued...

QUESTION 5

- i. *Istihsan* involves setting aside an established analogical reasoning in favour of an alternative ruling which serves the ideas of justice and public interest in a better way. Illustrate any 5(five) examples of *istihsan* which are based on the Holy *Quran*, *Sunnah*, *ijma'*, custom and *maslahah*.
- ii. Scholars have divided *istishab* into few categories based on the nature of the conditions that are presumed to be continuous. Elaborate and illustrate the types of *istishab*.

(15 marks)

(10 marks)

[Total: 25 marks]**End of Page**